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Bill Kitchen

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7590

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/892,627	<b>Applicant(s)</b> KITCHEN ET AL.	
	<b>Examiner</b> CLEMENT B. GRAHAM	<b>Art Unit</b> 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 61-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 61-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/1/01, 12/3/03, 4/27/07, 1/10/08</u> .                      | 6) <input type="checkbox"/> Other: _____                          |



### **DETAILED ACTION**

1. Claims 1-60 has been cancelled and claims 61-93 has been added.

#### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 61-93, are rejected under 35 U.S.C. 102(e) as being anticipated by Kolling et al (Hereinafter Kolling U.S Patent 5, 963, 925

As per claim 61, Kolling discloses a method, comprising:  
receiving billing information associated with a bill (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67)  
transmitting a presentation, wherein the presentation includes a payment indicator and a pre-populated payment request, wherein the pre-populated payment request includes at least one of a pre-populated payment date derived from a due date of the bill, a pre-populated identification of a biller, and a pre-populated payment amount derived from an amount of the bill(see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67)  
receiving a selection of the payment indicator; and  
responsive to receiving the selection of the payment indicator, directing payment of the bill on behalf of a payor (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 62, Kolling discloses further comprising:  
receiving an indication of the biller and wherein transmitting a presentation is responsive to receiving the indication of the biller, and wherein the pre-populated payment request includes a

pre-populated identification of the biller (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 63, Kolling discloses wherein receiving an indication of the biller includes receiving a selection of the biller from a list of billers.

As per claim 64, Kolling discloses wherein the list of billers is a list of names of electronic billets. (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 65, Kolling discloses wherein the pre-populated payment request is in a check format. (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 66, Kolling discloses wherein the pre-populated payment request includes a pre-populated payment date, and the pre-populated payment date is in a check date location. (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 67, Kolling discloses wherein the pre-populated payment request includes a pre-populated identification of a biller, and the a pre-populated identification of a biller is in a check payee location (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 68, Kolling discloses wherein the pre-populated payment request includes a pre-populated payment amount, and the pre-populated payment amount is in a check amount location (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 69, Kolling discloses wherein the presentation is a first presentation and the payment indicator is a first payment indicator, and further comprising:  
transmitting a second presentation(see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67) wherein the second presentation includes at least a portion of the billing information and an associated second payment indicator; and receiving a selection of the second payment indicator, wherein the first presentation is transmitted responsive to receiving the selection of the second payment indicator. (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 70, Kolling discloses wherein the pre-populated payment request includes a pre-populated payment date, and the pre-populated payment date pre-dates the due date of the bill by at least an amount of lead time associated with a remittance method associated with the payment (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 71, Kolling discloses wherein the remittance method is one of a hardcopy check or an electronic funds transfer (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 72, Kolling discloses wherein the pre-populated payment request includes a pre-populated payment amount, wherein the pre-populated payment amount is the total bill amount (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 73, Kolling discloses wherein the pre-populated payment request includes a pre-populated payment date, wherein receiving a selection of the payment indicator includes receiving a modified payment date with the selection of the payment indicator and wherein directing payment of the bill on behalf of a payor includes directing the payment of the bill in accordance with the modified payment date (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 74, Kolling discloses wherein the pre-populated payment request includes a pre-populated payment amount, wherein receiving a selection of the payment indicator includes receiving a modified payment amount with the selection of the payment indicator (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67) and wherein directing payment of the bill on behalf of a payor includes directing the payment of the bill in accordance with the modified payment amount (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 75, Kolling discloses wherein receiving a selection of the payment indicator includes receiving an indication that the payment should be paid more than once and receiving an indication of payment frequency (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67) and wherein directing payment of the bill on behalf of a payor includes directing the payment of

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the bill in accordance with the indication that the payment should be paid more than once and the indication of payment frequency (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 76, Kolling discloses wherein the payment frequency is one of weekly, biweekly, monthly, quarterly, train annually semiannually, or yearly.

As per claim 77, Kolling discloses a system, comprising:  
a storage device, wherein the storage device includes software instructions;  
a communications interface(see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67) and  
a processor, in communication with the storage device and communication interface, wherein the processor is configured to execute the software instruction for: receiving billing information associated with a bill, transmitting the presentation(see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67) wherein the presentation includes a payment indicator and a pre-populated payment request, wherein the pre-populated payment request includes at least one of a pre-populated payment date derived from a due date of the bill, a pre-populated identification of a biller, and a pre-populated payment amount derived from an amount of the bill, receiving, via the communications interface, a selection of the payment indicator, and responsive to receiving the selection of the payment indicator, directing payment of the bill on behalf of a payor (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 78, Kolling discloses wherein the processor is configured to execute additional software instructions for:

receiving an indication of the biller(see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67) and wherein the software instructions for transmitting a presentation are responsive to receiving the indication of the bilter, and wherein the pre-populated payment request includes a pre-populated identification of the biller (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 79, Kolling discloses wherein the software instructions for receiving an indication of the biller include receiving a selection of the billet from a list of billers (see column

29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 80, Kolling discloses wherein the list of billers is a list of names of electronic billers (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 81, Kolling discloses wherein the pre-populated payment request is in a check format. (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 82, Kolling discloses wherein the pre-populated payment request includes a pre-populated payment date, and the pre-populated payment date is in a check date location. (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 83, Kolling discloses wherein the pre-populated payment request includes a pre-populated identification of a biller, and the a pre-populated identification of a biller is in a check payee location (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 84, Kolling discloses wherein the pre-populated payment request includes a pre-populated payment amount, and the pre-populated payment amount is in a check amount location (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 85, Kolling discloses wherein the presentation is a first presentation and the payment indicator is a first payment indicator, and wherein the processor is configured to execute additional software instructions for:

transmitting a second presentation(see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67) wherein the second presentation includes at least a portion of the billing information and an associated second payment indicator; and receiving a selection of the second payment indicator, wherein the first presentation is transmitted responsive to receiving the selection of the second payment indicator (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 86 Kolling discloses wherein the pre-populated payment request includes a pre-populated payment date, and the pre-populated payment date pre-dates the due date of the



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bill by at least an amount of lead time associated with a remittance method associated with the payment (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 87, Kolling discloses wherein the remittance method is one of a hardcopy check or an electronic funds transfer (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 88, Kolling discloses wherein the pre-populated payment request includes a pre-populated payment amount, wherein the pre-populated payment amount is the total bill amount. (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 89, Kolling discloses wherein the pre-populated payment request includes a pre-populated payment date (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67)

wherein the software instructions for receiving a selection of the payment indicator include receiving a modified payment date with the selection of the payment indicator; and wherein the software instructions for directing payment of the bill on behalf of a payor include directing the payment of the bill in accordance with the modified payment date (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 90, Kolling discloses wherein the pre-populated payment request includes a pre-populated payment amount, wherein the software instructions for receiving a selection of the payment indicator include receiving a modified payment amount with the selection of the payment indicator; and

wherein the software instructions for directing payment of the bill on behalf of a payor include directing the payment of the bill in accordance with the modified payment amount. (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 91, Kolling discloses wherein the software instructions for receiving a selection of the payment indicator include receiving an indication that the payment should be paid more than once and receiving an indication of payment frequency (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67) and wherein the software instructions for directing payment of the bill on behalf of a payor include directing

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the payment of the bill in accordance with the indication that the payment should be paid more than once and the indication of payment frequency. (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 92, Kolling discloses wherein the payment frequency is one of weekly, biweekly, monthly, quarterly, train annually, semiannually, or yearly. (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

As per claim 93, Kolling discloses a system, comprising:  
means for receiving billing information associated with a bill;  
means for transmitting a presentation, wherein the presentation includes a payment indicator and a pre-populated payment request, wherein the pre-populated payment request includes at least one of a pre-populated payment date derived from a due date of the bill, a pre-populated identification of a biller, and a pre-populated payment amount derived from an amount of the bill (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67)

means for receiving a selection of the payment indicator; and  
responsive to receiving the selection of the payment indicator, means for directing payment of the bill on behalf of a payor (see column 29 lines 62-67 and column 30 lines 1-18 and column 31 lines 57-67 and column 32 lines 1-67).

### CONCLUSION

4. Applicant's arguments filed 12/19/07 has been fully considered but they are moot in view of new grounds of rejections.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLEMENT B. GRAHAM whose telephone number is (571)272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvil/**

**Primary Examiner, Art Unit 3692**

CG

August 2, 2008